THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 34604 of 1997

Dated: 28.03.2007

Between:

Smt. Shaik Beebi

... Petitioner

AND

District Collector,
Cuddapah District, Cuddapah & another.

... Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 34604 of 1997

ORDER:-

None appears for the petitioner. Learned Assistant Government Pleader for Respondents.

This writ petition is filed questioning the proceedings dated 28.10.1997 of the 1st respondent whereby the request of the petitioner to provide employment to her son viz., Baba Karimulla on compassionate grounds was rejected on the ground that he was underaged as on the date of death of her deceased husband.

At the time of admission, this Court granted interim direction on 28.07.2000 to consider the case of the petitioner's son for compassionate appointment without reference to the proceedings dated 28.10.1997 in accordance with law.

Learned Assistant Government Pleader is unable to say whether the petitioner's son was appointed in pursuance of the said direction.

Be that as it may, clause 3(2) of G.O.Ms.No.349, General Administration (Services-A) Department, dated 12.06.1986

provides that the dependents of the deceased Government employees, who are 16 years of age, may be considered for appointment to posts in the Last Grade Service in relaxation of rules subject to the conditions that the service rendered prior to attaining majority shall not be counted till they attain majority.

In the counter-affidavit of the 1st respondent - District Collector, it is mentioned that the age of the eldest son of the petitioner viz., Shaik Baba Kareemullah was 15 years 7 months at the time of the death of his father. Therefore, the request of the petitioner to provide employment to her son was rejected. It is well settled that any provision for compassionate appointment was held to be in exception to Article 16 of the Constitution of India, since a person has no enforceable legal right to be provided with compassionate appointment and a right is limited to the enforcement of the relevant scheme under which such an employment is envisaged. Unless the persons comply with the conditions stipulated in the scheme, they cannot claim employment as of right. Since the petitioner's son fell short of the required age, which was stipulated as a condition for providing employment on compassionate grounds, his case was rejected. I do not therefore see any reason to interfere with the order passed by the 1st respondent.

However, it is made clear that if the petitioner's son was already given appointment in pursuance of the interim direction given by this Court, he shall be continued and his services shall not be terminated.

Subject to the above observation, the writ petition is dismissed. No costs.

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C.V. NAGARJUNA REDDY, J

Date: 28.03.2007
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